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Most Recent Summaries

Town of Portsmouth v. Lewis

February 10, 2016

Transportation, Environmental Law, Government Law

(United States First Circuit) - In a town's suit against federal and state transportation agencies and officers for collecting tolls on the Sakonnet River Bridge in violation of the anti-tolling provision of the Federal-Aid Highway Act (FAHA), 23 U.S.C. section 301, and the National Environmental Policy Act (NEPA), 42 U.S.C. sections 4321-4347, the district court's dismissal of the complaint as moot is affirmed where: 1) the Rhode Island legislature's repeal of the toll rendered moot the town's claims for injunctive and declaratory relief; 2) the Town did not sufficiently allege or preserve a restitution claim; and 3) even were this insufficiency excused, the restitution claim would still fail because the town lacks a right of action.

US v. Rivera-Clemente

February 10, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for guilty plea to two offenses in connection with the killing of a security guard at the Sabana Seca Navy Base in Puerto Rico is affirmed over defendant's claim of error in the district court's failure to apprise him of the consequences of his guilty plea, as required by Federal Rule of Criminal Procedure 11(c)(3)(B), and in the district court's alleged failure to comply with the requirements of 18 U.S.C. section 3553 during the imposition of his sentence.

Vargas-De-Jesus v. US

February 10, 2016

Habeas Corpus, Sentencing, Criminal Law & Procedure

(United States First Circuit) - In an appeal of denial of a 28 U.S.C. section 2255 petition for post-conviction relief from sentence and conviction of possession with intent to distribute a controlled substance within one thousand feet of a school, 21 U.S.C. sections 841(a)(1) and 860, and conspiracy to do the same, section 846, denial is affirmed over petitioner's claim that his trial counsel provided ineffective assistance at sentencing in violation of the Sixth Amendment.

US v. Zarauskas

February 10, 2016

Criminal Law & Procedure

(United States First Circuit) - Conviction of charges relating to the illegal importation of narwhal tusks is affirmed over defendant's meritless contentions that: 1) the district court erred by allowing, then failing to cure, a series of comments and questions by the prosecutor, which

defendant claims violated the Fifth Amendment by drawing the jury's attention to his decision not to testify; and 2) the district court's admission of records of vehicular border crossings between the U.S. and Canada, which the government offered to establish that the tusks in question had originated in Canada.

PR Highway and Transportation Auth. v. Redondo Construction Corp.

February 10, 2016

Bankruptcy Law, Remedies

(United States First Circuit) - In a suit alleging contract claims under Article 1061 of the Puerto Rico Civil Code, 31 L.P.R.A. section 3025, the district court's affirmance of the bankruptcy court's award of prejudgment interest to plaintiff is vacated and remanded for recalculation of section 1961 interest and, to prevent double recovery, a recalculation of Article 1061 interest where: 1) debtor did not forfeit its claim to prejudgment interest under Article 1061; and 2) 28 U.S.C. section 1961 exclusively controls awards of postjudgment interest in federal court.

Keep Reading

Valdez v. Lynch

February 10, 2016

Immigration Law

(United States First Circuit) - In a petition for review of an order of the Board of Immigration Appeals (BIA) denying Dominican Republic petitioner's request for a so-called 'marriage waiver' from removal, the petition is denied where the decisions of both the IJ and the BIA concluding that petitioner failed to carry his burden of proof in this instance are supported by substantial evidence.

US v. Tanguay

February 5, 2016

Evidence, Criminal Law & Procedure

(United States First Circuit) - Conviction of possession of child pornography, 18 U.S.C. section 2252A(a)(5)(B), is affirmed where the district court's denial of a motion to suppress was proper because adding the juvenile false report adjudication did not undermine its earlier finding of probable cause.

US v. Maymi-Maysonet

February 5, 2016

Criminal Law & Procedure

(United States First Circuit) - Convictions for conspiring to possess and aiding and abetting to possess with intent to distribute five kilos or more of cocaine are affirmed where the jury could reasonably infer defendant's knowing participation in or aiding and abetting the conspiracy from the sequence of events.

US v. Wetmore

February 5, 2016

Criminal Law & Procedure

(United States First Circuit) - In an appeal presenting a question of first impression regarding the release provisions of the Adam Walsh Child Protection and Safety Act, which allows the federal

government to seek civil commitment of any 'sexually dangerous person' already in the custody of the Bureau of Prisons, 18 U.S.C. section 4248(a), when a person who has previously been deemed sexually dangerous petitions for release from civil commitment, the committed person--not the government--bears the burden of proof to make the requisite showing that he is no longer sexually dangerous. District court's finding that defendant remained sexually dangerous is affirmed.

D'Agostino v. Baker

February 5, 2016

Civil Rights, Labor & Employment Law, Constitutional Law, Government Law
(United States First Circuit) - In an action brought under 42 U.S.C. section 1983 by family child care providers, who are considered public employees that may organize for collective bargaining pursuant to Mass. Gen. Laws ch. 15D, section 17(b), challenging the statutory scheme that authorizes the selection of an exclusive bargaining agent to agree on terms that affect plaintiffs' relationships with their clients and the government, and alleging the statutory regime violates their rights of freedom of association and other expressive rights guaranteed by the First Amendment, the district court's dismissal of the complaint under Federal Rule of Civil Procedure 12(b)(6) is affirmed where case law precedent renders plaintiffs' constitutional arguments meritless.

Stamps v. Town of Framingham

February 5, 2016

Civil Rights, Constitutional Law, Criminal Law & Procedure
(United States First Circuit) - In a civil rights case brought under 42 U.S.C. section 1983 arising from the tragic shooting death of an innocent, elderly man by a local police officer during a SWAT team raid executing a search warrant for drugs and related paraphernalia belonging to two drug dealers with violent criminal histories thought to reside in decedent's home, alleging defendant violated the decedent's Fourth Amendment right against unreasonable seizure when he pointed a loaded semi-automatic rifle at decedent's head, with his finger on the trigger and the safety off, the district court's denial of defendants' motion for entry of summary judgment on the basis of qualified immunity is affirmed where the unreasonableness of defendant's conduct, as a jury could find it, was well established.